



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF PIGEON TELEPHONE COMPANY TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 15-226
Comp. Pol. File No. 1241

Comments Due: November 25, 2015

Section 214 Application **Applicant: Pigeon Telephone Company**

On **August 31, 2015**, **Pigeon Telephone Company** (Pigeon or Applicant), located at **7585 West Pigeon Road, Pigeon, MI 48755**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue certain domestic telecommunications services in the State of Michigan including the company's service areas in Antrim, Arenac, Huron, Iosco, and Otsego Counties (Service Areas).¹ On October 1, 2015, Pigeon filed an amendment to correct certain deficiencies in its application and update the record regarding the notice provided to customers.² Accordingly, Pigeon's application is deemed complete as of October 1, 2015.

Pigeon indicates that it currently offers "0" dialing to reach a local operator and "0 + 10" dialing for operator assisted calling services and operator-assisted calling card services (Affected Services). Pigeon asserts, however, that for several years there has been insufficient subscriber usage and a lack of customer demand for the Affected Services. Accordingly, Pigeon submits that it made a business decision to discontinue the Affected Services in the Service Areas on or after December 26, 2015, subject to completion of all necessary federal and state regulatory requirements and approvals. Pigeon indicates that it sent notice of the proposed discontinuance to all affected customers via bill insert by first class U.S. Mail on September 30, 2015. Pigeon states that a bill insert was the most economic method of reaching its rural customers. Pigeon adds that the bill insert was on a separate page and distinct in size and color from the billing statement in order to bring sufficient attention to the notice. The Applicant maintains that customers will not be adversely affected by the proposed discontinuance because its subscribers are using new technologies and choosing widely available alternatives to the Affected Services. Pigeon asserts that it is an incumbent local exchange carrier and considered dominant with respect to the services it proposes to discontinue.

¹ See Section 63.71 Application of Pigeon Telephone Company for Authority to Discontinue Operator Services, WC Docket No. 15-226 (filed Aug. 31, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001198653> (Application).

² See Section 63.71 Application of Pigeon Telephone Company for Authority to Discontinue Operator Services, Supplement to Section 63.71 Application to Discontinue Service, WC Docket No. 15-226 (filed Oct. 1, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001301078>.

In accordance with section 63.71(d) of the Commission's rules, Pigeon's revised Application will be deemed granted automatically on December 25, 2015, the 60th day after the release date of this Public Notice, unless the Commission notifies Pigeon that the grant will not be automatically effective.³ We note that the date on which an application for Commission authorization is deemed granted may be different from the date on which an applicant is authorized to discontinue, reduce, or impair service. In the revised Application, Pigeon indicates that it plans to discontinue the Affected Services in the Service Areas on or after December 26, 2015, subject to completion of all necessary federal and state regulatory requirements and approvals. Accordingly, pursuant to section 63.71(d), and the terms of the revised Application, absent further Commission action, Pigeon may discontinue, reduce or impair the Affected Services in the Service Areas on or after **December 26, 2015**, in accordance with Pigeon's filed representations. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected. For purposes of computation of time when filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the latter of the auto grant date stated above in this Public Notice, or the release date of any further public notice or order announcing final action, as applicable. Should no petitions for reconsideration, applications for review, or petitions for judicial review be timely filed, the proceeding listed in this Public Notice shall be terminated, and the docket will be closed.

Comments objecting to this application must be filed with the Commission on or before **November 25, 2015**. Such comments should refer to **WC Docket No. 15-226 and Comp. Pol. File No. 1241**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁴ Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

³ See 47 C.F.R. § 63.71(d) (stating, in relevant part, that an application filed by a dominant carrier "shall be automatically granted on the 60th day... unless the Commission has notified the applicant that the grant will not be automatically effective.").

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Copies of the comments may also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers, or faxed to the FCC at (202) 418-1413, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission’s *ex parte* rules.⁵ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (888) 835-5322 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), Carmell.Weathers@fcc.gov, or Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (888) 835-5322. For further information on procedures regarding section 214 please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

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⁵ 47 C.F.R. §§ 1.1200 *et seq.*